

Last revised 8/1/15

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

In Re:  
ANDREA McCRAY

Case No.: 16-32746

Judge: CMG

Chapter: 13

Debtor(s)

**Chapter 13 Plan and Motions**

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Original         | <input checked="" type="checkbox"/> Modified/Notice Required | <input checked="" type="checkbox"/> Discharge Sought |
| <input type="checkbox"/> Motions Included | <input type="checkbox"/> Modified/No Notice Required         | <input type="checkbox"/> No Discharge Sought         |

Date: 6/19/17

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE

**YOUR RIGHTS WILL BE AFFECTED**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED  
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN  
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

**Part 1: Payment and Length of Plan**

a. The debtor shall pay \$ 700 per month to the Chapter 13 Trustee, starting on January 1, 2017 for approximately 60 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future earnings
- ☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: \_\_\_\_\_

☐ Refinance of real property:

Description:

Proposed date for completion: \_\_\_\_\_

☒ Loan modification with respect to mortgage encumbering property:

Description: 6 Gallery Lane, Willingboro, NJ 08046

Proposed date for completion: 12/20/2017

d. ☒ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

**Part 2: Adequate Protection**

a. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: \_\_\_\_\_ (creditor).

**Part 3: Priority Claims (Including Administrative Expenses)**

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid

**Part 4: Secured Claims**

**a. Curing Default and Maintaining Payments**

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Wilmington Trust	First Mortgage 6 Gallery Lane Willingboro, NJ	\$137,000	6.375%	\$145,733.75	\$1517

**b. Modification**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**c. Surrender**

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
Santander Bank	Cadillac Escalade	15000	24,000

**d. Secured Claims Unaffected by the Plan**

The following secured claims are unaffected by the Plan:

**e. Secured Claims to be Paid in Full Through the Plan:**

Creditor	Collateral	Total Amount to be Paid Through the Plan

**Part 5: Unsecured Claims**

**a. Not separately classified** allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$ \_\_\_\_\_ to be distributed *pro rata*
- ☐ Not less than \_\_\_\_\_ percent
- ☒ *Pro Rata* distribution from any remaining funds

**b. Separately classified unsecured** claims shall be treated as follows:

Creditor	Basis For Separate Classification	Treatment	Amount to be Paid

**Part 6: Executory Contracts and Unexpired Leases**

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor

**Part 7: Motions**

**NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.**

**a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

**b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified

**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

**Part 8: Other Plan Provisions**

**a. Vesting of Property of the Estate**

- ☒ Upon confirmation  
☐ Upon discharge

**b. Payment Notices**

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

**c. Order of Distribution**

The Trustee shall pay allowed claims in the following order:

- 1) Trustee commissions
- 2) Administrative Claims
- 3) Secured claims
- 4) Priority Unsecured Claims 5) General Unsecured Claims

**d. Post-Petition Claims**

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**Part 9: Modification**

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: 12/19/2016.

Explain below **why** the plan is being modified:

The plan has been modified to clarify treatment of secured creditors and specify treatment of claims pending loan modification.

Explain below **how** the plan is being modified:

The plan has been modified to treat claim of Wilmington Trust through the plan.

Are Schedules I and J being filed simultaneously with this Modified Plan?

☒ Yes ☐ No

**Part 10: Sign Here**

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: 6/19/2017

/s/ Mark K. Smith  
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: 6/19/2017

/s/ Andrea McCray  
Debtor

Date: \_\_\_\_\_

\_\_\_\_\_  
Joint Debtor

**Certificate of Notice Page 8 of 9**  
 United States Bankruptcy Court  
 District of New Jersey

In re:  
 Andrea M McCray  
 Debtor

Case No. 16-32746-CMG  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin  
 Form ID: pdf901

Page 1 of 2  
 Total Noticed: 23

Date Rcvd: Jun 22, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 24, 2017.

db  
 516525022 +Andrea M McCray, 6 Gallery Lane, Willingboro, NJ 08046-3316  
 516525021 +ABC Bail Bonds, Saldutti Law Grp., 800 N. King Hwy., Ste. 300, Cherry Hill, NJ 08034-1511  
 516525023 +ABC Bail Bonds, 215 W. Bridge St., Morrisville, PA 19067-7118  
 516525015 +AT&T, POB 981008, Boston, MA 02298-1008  
 516525012 +Atlantic FCU, POB 618 RD, Kenilworth, NJ 07033-0618  
 516525014 Aurora/Rushmore/Wilm. Trust, Loan Mgmt. Mtg. Svcs., POB 55004, Irvine, CA 92619-5004  
 516525016 +Capital ONE, POB 30281, Salt Lake City, UT 84130-0281  
 516525019 +Citicards CBNA, POB 6241, Sioux Falls, SD 57117-6241  
 516525020 +Comcast (SW Credit Systems), 4120 International Py 1100, Carrollton, TX 75007-1958  
 516525013 +EZ Pass, 375 McCarter Hwy., Newark, NJ 07114-2563  
 516561862 +First Premier, 3820 N. Louise Ave., Sioux Falls, SD 57107-0145  
 516525017 +NJ Turnpike Authority, Mark Schneider, Esq., 518 Main St., POB 5042, Woodbridge, NJ 07095-5042  
 516559571 +Santander, POB 961245, Ft. Worth, TX 76161-0244  
 516563526 +Santander Consumer USA, Inc., P.O. Box 560284, Dallas, TX 75356-0284  
 516788353 +Santander Consumer USA, Inc., POB 961245, Ft. Worth, TX 76161-0244  
 +Wilmington Savings Fund Society Trustee (See 410), c/o Rushmore Loan Mgmt. Services LLC, P.O. Box 55004, Irvine, California 92619-5004

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center. smg

E-mail/Text: usanj.njbankr@usdoj.gov Jun 22 2017 22:19:52 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534  
 smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Jun 22 2017 22:19:48 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235  
 516762567 E-mail/PDF: EBN\_AIS@AMERICANINFOSOURCE.COM Jun 22 2017 22:29:03 American InfoSource LP as agent for, Verizon, PO Box 248838, Oklahoma City, OK 73124-8838  
 516525018 +E-mail/Text: electronicbkydocs@nelnet.net Jun 22 2017 22:19:54 Dept. of ED/Nelnet, 3015 Parker Rd., 400, Aurora, CO 80014-2904  
 516788129 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Jun 22 2017 22:29:04 Portfolio Recovery Associates, LLC, c/o Capital One Bank, N.A., POB 41067, Norfolk VA 23541  
 516761518 +E-mail/Text: JCAP\_BNC\_Notices@jcap.com Jun 22 2017 22:20:05 Premier Bankcard, LLC, c/o Jefferson Capital Systems LLC, Po Box 7999, Saint Cloud Mn 56302-7999  
 516535418 +E-mail/Text: electronicbkydocs@nelnet.net Jun 22 2017 22:19:54 U.S. Department of Education C/O Nelnet, 121 South 13th St, Suite 201, Lincoln, NE 68508-1911

TOTAL: 7

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

516525024\* +Dept of ED/Nelnet, 3015 Parker Rd., 400, Aurora, CO 80014-2904

TOTALS: 0, \* 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jun 24, 2017

Signature: /s/Joseph Speetjens

**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 20, 2017 at the address(es) listed below:

Albert Russo docs@russotrustee.com  
 Denise E. Carlon on behalf of Creditor Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, as trustee for Normandy Mortgage Loan Trust, Series 2015-1 dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com  
 Mark K. Smith on behalf of Debtor Andrea M McCray markksmithlaw@aol.com, Romasmith@aol.com  
 U.S. Trustee. USTPRegion03.NE.ECF@usdoj.gov

District/off: 0312-3

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 23

Date Rcvd: Jun 22, 2017

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)  
system (continued)

TOTAL: 4